

## **Exhibit B**

**Issued by the**  
**UNITED STATES DISTRICT COURT**  
MIDDLE DISTRICT OF PENNSYLVANIA

In re: Pharmaceutical Industry  
Average Wholesale Price Litigation

**SUBPOENA IN A CIVIL CASE**

Case Number:<sup>1</sup> MDL No. 1456  
Master File No. 01-cv-12257-PBS  
Hon. Patti B. Saris

TO: John Pentz  
One Highland Road  
East Stroudsburg, PA 18301

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	Marc H. Edelson, Edelson & Associates, 45 W. Court Street, Doylestown, PA 18901-8735, or other mutually agreeable location	DATE AND TIME
		March 23, 2009, at 9:00 a.m.

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

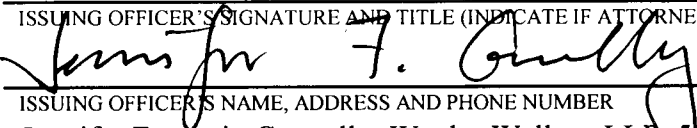
See Rider attached as Exhibit A.

PLACE	Marc H. Edelson, Edelson & Associates, 45 W. Court Street, Doylestown, PA 18901-8735, or other mutually agreeable location	DATE AND TIME
		March 16, 2009, at 9:00 a.m.

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
 Attorney for Plaintiffs	March 9, 2009
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	
Jennifer Fountain Connolly, Wexler Wallace LLP, 55 W. Monroe Street, Suite 3300, Chicago, IL 60603, (312) 346-2222, jfc@wexlerwallace.com	

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

In re: Pharmaceutical Industry Average  
Wholesale Price Litigation

) MDL No. 1456 Master File No. 01-cv-12257-PBS  
) AFFIDAVIT OF PERSONAL SERVICE

Regarding ) Subpoena, Exhibit A and Exhibit 1

Received by 1-800-SERVE-EM on March 10, 2009 at 1:27 PM to be served on John Pentz, One Highland Road East Stroudsburg, PA 18301.

I, , who being duly sworn, depose and say that on March 11, 2009 at 1:00 PM, I: *Michael Nix*

Individually Served the within named person by delivering a true copy of the Subpoena, Exhibit A and Exhibit 1 with the date and hour endorsed thereon by me, to John Pentz at One Highland Road East Stroudsburg, PA 18301.

I am over the age of 18, have no interest in the above action, and am authorized to serve process in the county in which the process was served.

*Michael Nix*

1-800-SERVE-EM

800.737.8336

Job Serial Number: 2009376893

Reference: 1075-012

1-800-SERVE-EM

State of: *PA*

County of: *Monroe*

Subscribed and sworn to before me,

*3-12-09*

NOTARY PUBLIC

*Dorothy A. MALL*

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

DOROTHY A. MALL, Notary Public

Stroud Twp., Monroe County

My Commission Expires October 1, 2011

**EXHIBIT A**

**DEFINITIONS AND INSTRUCTIONS**

1. “You” means John Pentz, including your agents or attorneys, or any other person acting on your behalf.

2. “The Settlement” means the settlement between Plaintiffs and the Track Two Defendants in this action to which you have objected.

3. “Class Drugs” includes all drugs listed in Exhibit 1 hereto; provided however that documents should not be withheld because they also discuss or relate to other drugs.

4. “AWP” means Average Wholesale Price.

5. The term “document” includes, without limitation, the originals of all writings of every kind, including but not limited to letters, telegrams, memoranda, reports, studies, legal pleadings, speeches, calendars, diary entries, travel records and vouchers, promotional materials, pamphlets, handwritten notes, drafts, lists, directives, reports, tabulations, minutes and records of meetings, and telephone records, which are now or formerly were in the actual or constructive possession and control of you, your officers, directors, employees, attorneys or other agents. The term “document” further includes data processing and computer printouts, tapes, disks, and data stored in computers or data processing equipment, together with programs and program documentation necessary to retrieve, read and utilize such data, and all other mechanical or electronic means of storing or recording data, as well as tape, film or cassette sound and/or visual recordings, and reproductions or film impressions of any of the aforementioned writings. The term “document” also includes copies of all documents which are not identical duplicates of the originals, and copies of documents if the originals of documents are not in the possession, custody or control of you, your officers, directors, employees, attorneys or other agents. Alteration of documents includes, without limitation, any modification, censorship, redaction,

addition to or changing, which obscures, removes, amends, changes or obliterates any part of the original language, information, or meaning.

6. The term “communication” shall mean any act, action, oral speech, written correspondence, contact, expression of words, thoughts, or ideas or transmission of exchange of data or other information to another person, whether orally, person-to-person, in a group, by telephone, letter, personal delivery, telex, facsimile, or any other process, electric, electronic or otherwise. All such communications in writing shall include, without limitation, printed, typed, handwritten, electronic, or other readable documents.

7. Unless otherwise specifically stated herein, the period covered by each of these requests extends from January 1, 1991 to the date of your response to these discovery requests.

8. “Relating to” or “related to” shall include describing, discussing, reflecting, constituting, evidencing, referring to, pertaining to, concerning, involving, memorializing, dealing with and bearing on (whether legally, factually, or otherwise).

9. The connectives “and/or” are to be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope, and are not to be interpreted in such a manner as to exclude any information within the scope of the document request.

10. All documents produced should be produced in the order in which you maintain them in the ordinary course of your business.

11. You should produce the original of each document requested together with all non-identical copies and drafts of that document. If the original of a document cannot be located, a copy should be produced in lieu thereof, and should be eligible and bound or stapled in the same manner as the original.

12. Documents not otherwise responsive to these requests should be produced if such documents mention, discuss, refer to or explain one or more documents that are called for by these document requests or if such documents are attached to documents called for by these document requests and constitute routing slips, transmittal memoranda or letters, comments, evaluations or similar materials.

13. Documents attached to each other should not be separated.

### **REQUESTS FOR PRODUCTION**

1. All documents that confirm, prove, or establish that, from January 1, 1991 to March 1, 2008, you took and paid for Epogen or any other Class Drug without receiving reimbursement from Medicare or other insurance.

2. All documents that support that your payments for Epogen or any other Class Drug were based on AWP.

3. All documents relating to the legal representation of you by John J. Pentz, Esq. or Edward Cochran, Esq., including but not limited to any retainer or retention agreements between you and Messrs. Pentz or Cochran.

4. All documents relating to your receipt, either directly or indirectly, of anything of value in exchange for your agreement to object to the Settlement.

5. All documents relating to any objections filed by you to any other settlement of a class action or derivative lawsuit.

6. All orders, decisions, motions, briefs or other court filings from any class action case in which you were a named plaintiff that address your suitability as a class representative.

## **Exhibit 1**

## CLASS MEMBERSHIP DRUG LIST

### CLASS A DRUGS

Anzemet (injection & tablets)	InFed
Aranesp	Neulasta
Epogen	Neupogen
Ferrlecit	

### CLASS B DRUGS

<b>A</b>	Azmacort
AccuNeb	<b>B</b>
Acetylcysteine	Bebulin
Acyclovir sodium	Bioclata
Adenosine	Bleomycin sulfate
Adriamycin PFS/RFS	Brevibloc
Adrucil	Buminate
Aggrastat	Bupivacaine
Albuterol sulfate	<b>C</b>
Alcohol injection	Calcijex
A-methapred	Calcimar
Amikacin sulfate	Camptosar / Irinotecan hydrochloride
Aminocaproic acid	Carbocaine / Mepivacaine
Aminosyn / Aminosyn II / Amino acid	Cefizox
Amphocin / Amphotericin B	Chromium tr meta / Chromic chloride
Aristocort / Aristospan	Cimetidine hydrochloride
Aromasin	Cipro / Ciprofloxacin hydrochloride
Ativan	Cisplatin



<b><u>CLASS B DRUGS (Continued)</u></b>	
Claforan	<b>F</b>
Cleocin T / Clindamycin phosphate	Famotidine
Copper trace / Cupric chloride	Fentanyl citrate
Cromolyn sodium	Fluorouracil
Cytosar-U / Cytarabine	Fluphenazine HCL
<b>D</b>	Furosemide
Depo provera / Medroxyprogesterone acetate	<b>G</b>
Depo-testosterone / Testosterone cypionate	Gamimune N / Gammagard / Gammagard S/D / Gammar / Gammar P.I.V.
Dexamethasone acetate / Dexamethasone sodium / Dexamethasone sodium phosphate	Gentamicin sulfate
Dextrose / Dextrose sodium chloride / Ringers lactated with dextrose	Gentran / Gentran NACL
Diazepam	Glycopyrrolate
Dicarbazine (dtic – dome)	<b>H</b>
Diltiazem hydrochloride	Helixate / Helixate FS
Dopamine hydrochloride	Heparin / Heparin lock flush / Heparin sodium
Doxorubicin / Doxorubicin hydrochloride	Humate-P
DTIC Dome	Hydromorphone
<b>E</b>	<b>I</b>
Eligard	Idamycin / Idarubicin hydrochloride
Ellence / Epirubicin HCL	Imipramine HCL
Enalaprilat	Intal
Enbrel	Ipratropium bromide
Epinephrine	Iveegam
Erythromycin / Erythromycin base	<b>K</b>
Estradiol	Ketorolac / Ketorolac tromethamine
Etoposide	Kineret

<b><u>CLASS B DRUGS (Continued)</u></b>	
Koate- HP	<b>N</b>
Kogenate	Nadolol
<b>L</b>	Nalbuphine
Labetalol	Nebupent
Lasix	Neosar / Cyclophosphamide
Leucovorin calcium	Neostigmine methylsulfate
Leukine	Novacaine / Procaine
Levofloxacin	Novantrone
Lidocaine hydrochloride	<b>O</b>
Liposyn II / Fat emulsion	Osmitrol
Lorazepam	<b>P</b>
Lovenox	Pancuronium bromide
Lyphocin	Pentam /Pentamidine isethionate
<b>M</b>	Perphenazine
Magnese chloride	Phenylephrine
Magnesium sulfate	Potassium acetate / Potassium chloride
Mannitol	Prograf
Marcaine	Promethazine
Medrol / Methylprednisolone	Propranolol HCL
Metaproterenol sulfate	Propofol
Methotrexate sodium	<b>R</b>
Metoclopramide	Ranitidine HCL
Midazolam hydrochloride	Recombinate
Mithracin	<b>S</b>
Monoclate / Monoclate-P	Sodium acetate
Mononine	Sodium chloride
Morphine sulfate	Solu-cortef / Hydrocortisone sodium succinate

<b><u>CLASS B DRUGS (Continued)</u></b>	
Solu-medrol	<b>V</b>
Succinylcholine chloride	Vancocin / Vancocin HCL / Vancomycin / Vancomycin HCL
<b>T</b>	Verapamil HCL
Taxotere	Vinblastine sulfate
Thioplex / Thiotepa	Vincasar / Vincristine / Vinscristine sulfate
Tobramycin sulfate / Tobramycin/sodium chloride	<b>W</b>
Toposar	Water for injection bacteriostatic
Travasol / Travasol with dextrose	<b>Z</b>
Trelstar / Triptorelin pamoate	Zemplar
	Zinc chloride

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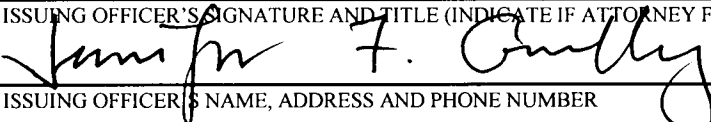
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 Attorney for Plaintiffs	March 9, 2009
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I, Michael Nix, who being duly sworn, depose and say that on March 11, 2009 at 1:00 PM, I: *Michael Nix*

Individually Served the within named person by delivering a true copy of the Subpoena, Exhibit A and Exhibit 1 with the date and hour endorsed thereon by me, to Connie Pentz at One Highland Road East Stroudsburg, PA 18301.

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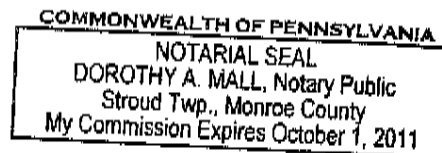
Michael Nix *Michael Nix*  
1-800-SERVE-EM  
800.737.8336  
Job Serial Number: 2009376808  
Reference: 1075-012

*1-800-SERVE-EM*

State of: *PA*  
County of: *Monroe*  
Subscribed and sworn to before me,  
3-12-09

NOTARY PUBLIC

*Dorothy A. Mall*



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## **Exhibit 1**

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Epogen	Neupogen
Ferrlecit	

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AccuNeb	<b>B</b>
Acetylcysteine	Bebulin
Acyclovir sodium	Bioclade
Adenosine	Bleomycin sulfate
Adriamycin PFS/RFS	Brevibloc
Adrucil	Buminate
Aggrastat	Bupivacaine
Albuterol sulfate	<b>C</b>
Alcohol injection	Calcijex
A-methapred	Calcimar
Amikacin sulfate	Camptosar / Irinotecan hydrochloride
Aminocaproic acid	Carbocaine / Mepivacaine
Aminosyn / Aminosyn II / Amino acid	Cefizox
Amphocin / Amphotericin B	Chromium tr meta / Chromic chloride
Aristocort / Aristospan	Cimetidine hydrochloride
Aromasin	Cipro / Ciprofloxacin hydrochloride
Ativan	Cisplatin

<b><u>CLASS B DRUGS (Continued)</u></b>	
Claforan	<b>F</b>
Cleocin T / Clindamycin phosphate	Famotidine
Copper trace / Cupric chloride	Fentanyl citrate
Cromolyn sodium	Fluorouracil
Cytosar-U / Cytarabine	Fluphenazine HCL
<b>D</b>	Furosemide
Depo provera / Medroxyprogesterone acetate	<b>G</b>
Depo-testosterone / Testosterone cypionate	Gamimune N / Gammagard / Gammagard S/D / Gammar / Gammar P.I.V.
Dexamethasone acetate / Dexamethasone sodium / Dexamethasone sodium phosphate	Gentamicin sulfate
Dextrose / Dextrose sodium chloride / Ringers lactated with dextrose	Gentran / Gentran NACL
Diazepam	Glycopyrrolate
Dicarbazine (dtic – dome)	<b>H</b>
Diltiazem hydrochloride	Helixate / Helixate FS
Dopamine hydrochloride	Heparin / Heparin lock flush / Heparin sodium
Doxorubicin / Doxorubicin hydrochloride	Humate-P
DTIC Dome	Hydromorphone
<b>E</b>	<b>I</b>
Eligard	Idamycin / Idarubicin hydrochloride
Ellence / Epirubicin HCL	Imipramine HCL
Enalaprilat	Intal
Enbrel	Ipratropium bromide
Epinephrine	Iveegam
Erythromycin / Erythromycin base	<b>K</b>
Estradiol	Ketorolac / Ketorolac tromethamine
Etoposide	Kineret

<b><u>CLASS B DRUGS (Continued)</u></b>	
Koate- HP	<b>N</b>
Kogenate	Nadolol
<b>L</b>	Nalbuphine
Labetalol	Nebupent
Lasix	Neosar / Cyclophosphamide
Leucovorin calcium	Neostigmine methylsulfate
Leukine	Novacaine / Procaine
Levofloxacin	Novantrone
Lidocaine hydrochloride	<b>O</b>
Liposyn II / Fat emulsion	Osmitrol
Lorazepam	<b>P</b>
Lovenox	Pancuronium bromide
Lyphocin	Pentam /Pentamidine isethionate
<b>M</b>	Perphenazine
Magnese chloride	Phenylephrine
Magnesium sulfate	Potassium acetate / Potassium chloride
Mannitol	Prograf
Marcaine	Promethazine
Medrol / Methylprednisolone	Propranolol HCL
Metaproterenol sulfate	Propofol
Methotrexate sodium	<b>R</b>
Metoclopramide	Ranitidine HCL
Midazolam hydrochloride	Recombinate
Mithracin	<b>S</b>
Monoclate / Monoclate-P	Sodium acetate
Mononine	Sodium chloride
Morphine sulfate	Solu-cortef / Hydrocortisone sodium succinate

<b><u>CLASS B DRUGS (Continued)</u></b>	
Solu-medrol	<b>V</b>
Succinylcholine chloride	Vancocin / Vancocin HCL / Vancomycin / Vancomycin HCL
<b>T</b>	Verapamil HCL
Taxotere	Vinblastine sulfate
Thioplex / Thiotepa	Vincasar / Vincristine / Vinscristine sulfate
Tobramycin sulfate / Tobramycin/sodium chloride	<b>W</b>
Toposar	Water for injection bacteriostatic
Travasol / Travasol with dextrose	<b>Z</b>
Trelstar / Triptorelin pamoate	Zemplar
	Zinc chloride

**Issued by the**  
**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF OHIO**

In re: Pharmaceutical Industry  
Average Wholesale Price Litigation

**SUBPOENA IN A CIVIL CASE**

Case Number:<sup>1</sup> MDL No. 1456  
Master File No. 01-cv-12257-PBS  
Hon. Patti B. Saris

TO: Corinna Connick  
12545 Ashton Trail  
Chardon, OH 44024

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION Cleveland Airport Marriott, 4277 W. 150th Street, Cleveland, OH 44135, or other mutually agreeable location	DATE AND TIME March 24, 2009, at 9:00 a.m.
--	---

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

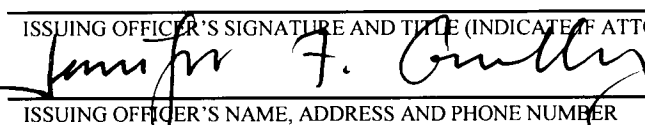
See Rider attached as Exhibit A.

PLACE FedEx Kinko's Office & Print Center, 8390 Mentor Avenue, Mentor, OH 44060, or other mutually agreeable location	DATE AND TIME March 16, 2009, at 9:00 a.m.
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PREMISES	DATE AND TIME
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ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorney for Plaintiffs	DATE March 9, 2009
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Jennifer Fountain Connolly, Wexler Wallace LLP, 55 W. Monroe Street, Suite 3300, Chicago, IL 60603, (312) 346-2222, jfc@wexlerwallace.com	

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

THIS DOCUMENT RELATES TO ALL  
ACTIONS.

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

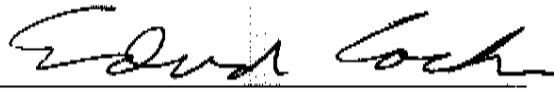
Judge Patti B. Saris

**ACCEPTANCE OF SERVICE FOR  
SUBPOENA DUCES TECUM**

1. I, Edward Cochran, Esq., 20030 Marchmont Road, Shaker Heights, Ohio 44122, have been authorized to accept service of the Subpoena *Duces Tecum* on behalf of Corinne Connick attached as Exhibit A.

2. I do, in fact, accept service of that Subpoena *Duces Tecum*, as if it were served personally upon Corinne Connick.

Dated this 16th day of March 2009.

  
Edward Cochran

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises — or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).



**EXHIBIT A**

**DEFINITIONS AND INSTRUCTIONS**

1. “You” means Corinna Connick, including your agents or attorneys, or any other person acting on your behalf.

2. “The Settlement” means the settlement between Plaintiffs and the Track Two Defendants in this action to which you have objected.

3. “Class Drugs” includes all drugs listed in Exhibit 1 hereto; provided however that documents should not be withheld because they also discuss or relate to other drugs.

4. “AWP” means Average Wholesale Price.

5. The term “document” includes, without limitation, the originals of all writings of every kind, including but not limited to letters, telegrams, memoranda, reports, studies, legal pleadings, speeches, calendars, diary entries, travel records and vouchers, promotional materials, pamphlets, handwritten notes, drafts, lists, directives, reports, tabulations, minutes and records of meetings, and telephone records, which are now or formerly were in the actual or constructive possession and control of you, your officers, directors, employees, attorneys or other agents. The term “document” further includes data processing and computer printouts, tapes, disks, and data stored in computers or data processing equipment, together with programs and program documentation necessary to retrieve, read and utilize such data, and all other mechanical or electronic means of storing or recording data, as well as tape, film or cassette sound and/or visual recordings, and reproductions or film impressions of any of the aforementioned writings. The term “document” also includes copies of all documents which are not identical duplicates of the originals, and copies of documents if the originals of documents are not in the possession, custody or control of you, your officers, directors, employees, attorneys or other agents. Alteration of documents includes, without limitation, any modification, censorship, redaction,

addition to or changing, which obscures, removes, amends, changes or obliterates any part of the original language, information, or meaning.

6. The term “communication” shall mean any act, action, oral speech, written correspondence, contact, expression of words, thoughts, or ideas or transmission of exchange of data or other information to another person, whether orally, person-to-person, in a group, by telephone, letter, personal delivery, telex, facsimile, or any other process, electric, electronic or otherwise. All such communications in writing shall include, without limitation, printed, typed, handwritten, electronic, or other readable documents.

7. Unless otherwise specifically stated herein, the period covered by each of these requests extends from January 1, 1991 to the date of your response to these discovery requests.

8. “Relating to” or “related to” shall include describing, discussing, reflecting, constituting, evidencing, referring to, pertaining to, concerning, involving, memorializing, dealing with and bearing on (whether legally, factually, or otherwise).

9. The connectives “and/or” are to be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope, and are not to be interpreted in such a manner as to exclude any information within the scope of the document request.

10. All documents produced should be produced in the order in which you maintain them in the ordinary course of your business.

11. You should produce the original of each document requested together with all non-identical copies and drafts of that document. If the original of a document cannot be located, a copy should be produced in lieu thereof, and should be eligible and bound or stapled in the same manner as the original.

12. Documents not otherwise responsive to these requests should be produced if such documents mention, discuss, refer to or explain one or more documents that are called for by these document requests or if such documents are attached to documents called for by these document requests and constitute routing slips, transmittal memoranda or letters, comments, evaluations or similar materials.

13. Documents attached to each other should not be separated.

### **REQUESTS FOR PRODUCTION**

1. All documents that confirm, prove, or establish that, from January 1, 1991 to March 1, 2008, you took and paid for Estradiol or any other Class Drug without receiving reimbursement from Medicare or other insurance.

2. All documents that support that your payments for Estradiol or any other Class Drug were based on AWP.

3. All documents relating to the legal representation of you by John J. Pentz, Esq. or Edward Cochran, Esq., including but not limited to any retainer or retention agreements between you and Messrs. Pentz or Cochran.

4. All documents relating to your receipt, either directly or indirectly, of anything of value in exchange for your agreement to object to the Settlement.

5. All documents relating to any objections filed by you to any other settlement of a class action or derivative lawsuit.

6. All orders, decisions, motions, briefs or other court filings from any class action case in which you were a named plaintiff that address your suitability as a class representative.

## **Exhibit 1**

## CLASS MEMBERSHIP DRUG LIST

### CLASS A DRUGS

Anzemet (injection & tablets)	InFed
Aranesp	Neulasta
Epogen	Neupogen
Ferrlecit	

### CLASS B DRUGS

<b>A</b>	Azmacort
AccuNeb	<b>B</b>
Acetylcysteine	Bebulin
Acyclovir sodium	Bioclata
Adenosine	Bleomycin sulfate
Adriamycin PFS/RFS	Brevibloc
Adrucil	Buminate
Aggrastat	Bupivacaine
Albuterol sulfate	<b>C</b>
Alcohol injection	Calcijex
A-methapred	Calcimar
Amikacin sulfate	Camptosar / Irinotecan hydrochloride
Aminocaproic acid	Carbocaine / Mepivacaine
Aminosyn / Aminosyn II / Amino acid	Cefizox
Amphocin / Amphotericin B	Chromium tr meta / Chromic chloride
Aristocort / Aristospan	Cimetidine hydrochloride
Aromasin	Cipro / Ciprofloxacin hydrochloride
Ativan	Cisplatin

<b><u>CLASS B DRUGS (Continued)</u></b>	
Claforan	<b>F</b>
Cleocin T / Clindamycin phosphate	Famotidine
Copper trace / Cupric chloride	Fentanyl citrate
Cromolyn sodium	Fluorouracil
Cytosar-U / Cytarabine	Fluphenazine HCL
<b>D</b>	Furosemide
Depo provera / Medroxyprogesterone acetate	<b>G</b>
Depo-testosterone / Testosterone cypionate	Gamimune N / Gammagard / Gammagard S/D / Gammar / Gammar P.I.V.
Dexamethasone acetate / Dexamethasone sodium / Dexamethasone sodium phosphate	Gentamicin sulfate
Dextrose / Dextrose sodium chloride / Ringers lactated with dextrose	Gentran / Gentran NACL
Diazepam	Glycopyrrolate
Dicarbazine (dtic – dome)	<b>H</b>
Diltiazem hydrochloride	Helixate / Helixate FS
Dopamine hydrochloride	Heparin / Heparin lock flush / Heparin sodium
Doxorubicin / Doxorubicin hydrochloride	Humate-P
DTIC Dome	Hydromorphone
<b>E</b>	<b>I</b>
Eligard	Idamycin / Idarubicin hydrochloride
Ellence / Epirubicin HCL	Imipramine HCL
Enalaprilat	Intal
Enbrel	Ipratropium bromide
Epinephrine	Iveegam
Erythromycin / Erythromycin base	<b>K</b>
Estradiol	Ketorolac / Ketorolac tromethamine
Etoposide	Kineret

<b><u>CLASS B DRUGS (Continued)</u></b>	
Koate- HP	<b>N</b>
Kogenate	Nadolol
<b>L</b>	Nalbuphine
Labetalol	Nebupent
Lasix	Neosar / Cyclophosphamide
Leucovorin calcium	Neostigmine methylsulfate
Leukine	Novacaine / Procaine
Levofloxacin	Novantrone
Lidocaine hydrochloride	<b>O</b>
Liposyn II / Fat emulsion	Osmitrol
Lorazepam	<b>P</b>
Lovenox	Pancuronium bromide
Lyphocin	Pentam /Pentamidine isethionate
<b>M</b>	Perphenazine
Magnese chloride	Phenylephrine
Magnesium sulfate	Potassium acetate / Potassium chloride
Mannitol	Prograf
Marcaine	Promethazine
Medrol / Methylprednisolone	Propranolol HCL
Metaproterenol sulfate	Propofol
Methotrexate sodium	<b>R</b>
Metoclopramide	Ranitidine HCL
Midazolam hydrochloride	Recombinate
Mithracin	<b>S</b>
Monoclate / Monoclate-P	Sodium acetate
Mononine	Sodium chloride
Morphine sulfate	Solu-cortef / Hydrocortisone sodium succinate

<b><u>CLASS B DRUGS (Continued)</u></b>	
Solu-medrol	<b>V</b>
Succinylcholine chloride	Vancocin / Vancocin HCL / Vancomycin / Vancomycin HCL
<b>T</b>	Verapamil HCL
Taxotere	Vinblastine sulfate
Thioplex / Thiotepa	Vincasar / Vincristine / Vinscristine sulfate
Tobramycin sulfate / Tobramycin/sodium chloride	<b>W</b>
Toposar	Water for injection bacteriostatic
Travasol / Travasol with dextrose	<b>Z</b>
Trelstar / Triptorelin pamoate	Zemplar
	Zinc chloride